DETAILED ACTION

1.   This Office Action is in response to an AMENDMENT entered February 9, 2010 for the

patent application 10/806,712 filed on March 23, 2004.

2.   The Office Action of November 9, 2009 is fully incorporated into this Final Office

Action by reference.

Status of Claims

3.   Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-8 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Knudson et al. (Pat. No.: US 7,386,871) in view of Ahmad et al. (Pat. No.: US 6,263,507), and

further in view of McCoskey et al. (Pub. No.: US 2003/0028889).

Examiner's Note (EN): ¶10. below applies.

Regarding claim 1, Knudson discloses **a method of displaying content to at least one**

user, comprising: providing access to characterizing descriptors as individually correspond

to a plurality of discrete selectable items of data (Figs. 3, 6, 7, 13. Each figure shows multiple

descriptions corresponding to selectable television programs.)**; on a display comprising a two-**

dimensional display region (The figures cited comprise a two-dimensional display region.)**,**

simultaneously providing a plurality of discrete indicators within the two-dimensional

display region for at least some of the discrete selectable items of data, which discrete

indicators comprise at least a portion of the characterizing descriptors as corresponds to

the discrete selectable items of data (Fig. 6. The channel number and description can be

described as a discrete indicator.)**; providing a segregated display area within the two-**

dimensional display region (Fig. 13 shows a segregated display area.)**, automatically causing**

relative movement as between the segregated display area and the plurality of discrete

indicators by changing position along a dimension of the two-dimensional display region of

one of the segregated display area and the plurality of discrete indicators (Figs. 13, 14a and

14b, column 15, lines 36-59. The scrolling controllable ticker scrolls through categories and

items)**.** Knudson, while disclosing displaying additional information about the items (column 16,

lines 12-23), does not disclose **automatically displaying additional content as corresponds to**

the characterizing descriptors for a given one of the discrete indicators as interacts in a

predetermined way, at least in part, with the segregated display area. However, in analogous

art, Ahmad teaches automatically displaying additional, related information based on the current

position of a marker in relation to a segment of a multi-segmented piece of audio-visual content

(Figs. 2a and 2b, column 3, lines 34-59, column 16, lines 53-54, column 18, lines 22-44, column

19, lines 2-4, and column 23, lines 3-9). In other words, as the marker indicating the currently

viewed segment moves, in a predetermined way, across the segments of primary information, the

secondary information changes based on the position of the marker. Therefore, it would have

been obvious to one of ordinary skill in the art at the time of the invention to modify Knudson to

include automatically displaying the additional content corresponding to the characterizing

descriptors for a given discrete indicator. This would have produced predicable and desirable

results, as the user would be given access to additional information in a controlled manor,

without being overloaded with an excess of information all at once.

Neither Knudson nor Ahmad explicitly disclose all of the following, but in analogous art,

McCoskey discloses **providing at least one smart filter for facilitating determination of a**

particular one of the discrete selectable items of data, the at least one smart filter providing

step comprising providing an enhanced suggestion engine for making at least one

recommendation based on at least one parameter selected from a group consisting

essentially of a content nature uniqueness, a viewer identification, and a keyword (paras.

[0044]-[0045], Fig. 6, paras. [0064], [0081] and [0081]-[0089], Figs. 18a and 18b. McCoskey

uses, among other things, a keyword to suggest programming to viewers.**), the at least one**

smart filter providing step comprising providing each at least one smart filter being

customizable for each at least one user (paras. [0081]-[0089]. A user can customize the search

by changing search criteria.**), wherein the step of providing the at least one smart filter**

comprises providing at least two user-selectable characterizing descriptor filters (Figs. 13a

and 13b, paras. [0085]-[0086]. The user can filter based on categories, actors, time, channel or

content provider.**), wherein the step of providing the at least two user-selectable**

characterizing descriptor filters comprises providing the descriptor filters in a relationship

selected from a group consisting essentially of a shared common filter criteria set and a

mutually exclusive filter criteria set (Figs. 13a and 13b, paras. [0085]-[0090]. There are many

different combinations that are mutually exclusive, such as category and actor, or time and

channel.)**, and wherein the at least one smart filter simultaneously considers content across

a plurality of media** (para. [0017])**, thereby providing a coordinated joint display

comprising a plurality of integrated results, the plurality of integrated results comprising

an aggregate pool of candidate viewing choices being reducible on a basis of filter selection

criteria from at least one element selected from a group consisting essentially of a plurality

of different sources and a plurality of different formats** (Fig. 18b, paras. [0063] and [0087])**.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to

modify Knudson and Ahmad to include the enhanced suggestion techniques as taught by

McCoskey, as this would have allowed users to further narrow their search for content, as well as

expand their options in terms of from where said content was being received.

Regarding claim 2, the combined teaching of Knudson, Ahmad and McCoskey discloses

the method of claim 1, and Knudson further discloses **wherein providing access to**

characterizing descriptors as individually correspond to a plurality of discrete selectable

items of data further comprises providing access to textual characterizing descriptors as

individually correspond to a plurality of discrete selectable items of data (Figs. 3, 6, 7 and

13 all have textual characterizing descriptors)**.**

Regarding claim 3, the combined teaching of Knudson, Ahmad and McCoskey discloses

the method of claim 1, and Knudson further discloses **wherein simultaneously providing a**

plurality of discrete indicators further comprises simultaneously providing a plurality of

content titles (Fig. 6, element 30, column 10, lines 45-46)**.**

Regarding claim 4, the combined teaching of Knudson, Ahmad and McCoskey discloses **the method of claim 1,** and Knudson further discloses **wherein the plurality of discrete selectable items of data comprises a plurality of discrete selectable items of audio/visual content** (Figs. 3, 6, 7 and 13 all display items of audio/visual content).

Regarding claim 5, the combined teaching of Knudson, Ahmad and McCoskey discloses **the method of claim 4,** and Knudson further discloses **wherein the characterizing descriptors as individually correspond to a plurality of discrete selectable items of data comprises at least one of: a programming network identifier; a broadcast starting time; a description of the audio/visual content; content media source** (Fig. 6 displays network identifiers and channel starting times).

Regarding claim 6, the combined teaching of Knudson, Ahmad and McCoskey discloses **the method of claim 4,** and Knudson further discloses **wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media** (column 2, lines 33-41).

Regarding claim 7, the combined teaching of Knudson, Ahmad and McCoskey discloses **the method of claim 4,** and Knudson further discloses **wherein automatically displaying additional content as corresponds to the characterizing descriptors for a given one of the discrete indicators as interacts in a predetermined way, at least in part, with the segregated display area comprises automatically displaying video content as corresponds to the characterizing descriptors for the given one of the discrete indicators** (Fig. 13, element 187, column 14, lines 20-33).

Regarding claim 8, the combined teaching of Knudson, Ahmad and McCoskey discloses **the method of claim 4,** and Knudson further discloses **wherein the plurality of discrete selectable items of audio/visual content comprises recently accessed items of audio/visual content** (column 15, line 60 – column 16, line 11)**.**

Claims 15-19 are system claims corresponding to method claims 1, 4, 7, 12 and 13. Thus, the rejections of claims 1, 4, 7, 12 and 13, as stated above and below, will apply. To carry out the method steps as prescribed in claims 1, 4, 7, 12 and 13, Knudson in view of Ahmad and McCoskey as a whole would have rendered obvious an interactive data display system as prescribed in claims 15-19.

Regarding claim 20, the combined teaching of Knudson, Ahmad and McCoskey discloses **the method of claim 1,** and Knudson further discloses **wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data further comprises providing access to textual characterizing descriptors as individually correspond to a plurality of discrete selectable items of data** (Figs. 3, 6, 7 and 13 all have textual characterizing descriptors)**, wherein simultaneously providing a plurality of discrete indicators further comprises simultaneously providing a plurality of content titles** (Fig. 6, element 30, column 10, lines 45-46)**, wherein the plurality of discrete selectable items of data comprises a plurality of discrete selectable items of audio/visual content** (Figs. 3, 6, 7 and 13 all display items of audio/visual content)**, wherein the characterizing descriptors as individually correspond to a plurality of discrete selectable items of data comprises at least one of: a programming network identifier; a broadcast starting time; a description of the audio/visual content; content media source** (Fig. 6 displays network identifiers and

channel starting times), **wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media** (column 2, lines 33-41), **wherein automatically displaying additional content as corresponds to the characterizing descriptors for a given one of the discrete indicators as interacts in a predetermined way, at least in part, with the segregated display area comprises automatically displaying video content as corresponds to the characterizing descriptors for the given one of the discrete indicators** (Fig. 13, element 187, column 14, lines 20-33), **and wherein the plurality of discrete selectable items of audio/visual content comprises recently accessed items of audio/visual content** (column 15, line 60 – column 16, line 11).

5.   Claims 9-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (Pat. No.: US 7,386,871) in view of Ahmad et al. (Pat. No.: US 6,263,507), and further in view of Reisman (Pub. No.: US 2004/0031058) and McCoskey et al. (Pub. No.: US 2003/0028889).

        Regarding claim 9, Knudson discloses **a method comprising: providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data** (Figs. 3, 6, 7, 13. Each figure shows multiple descriptions corresponding to selectable television programs.); **on a display comprising a two-dimensional display region** (The figures cited comprise a two-dimensional display region.)**: simultaneously providing a plurality of discrete indicators within the two-dimensional display region for at least some of the discrete selectable items of data, which discrete indicators comprise at least a portion of the characterizing descriptors as corresponds to the discrete selectable items of data** (Fig.

6. The channel number and description can be described as a discrete indicator.)**; providing a**

segregated display area within the two-dimensional display region (Fig. 13 shows a

segregated display area.)**, automatically causing relative movement as between the**

segregated display area and the plurality of discrete indicators by changing position along

a dimension of the two-dimensional display region of one of the segregated display area

and the plurality of discrete indicators (Figs. 13, 14a and 14b, column 15, lines 36-59. The

scrolling controllable ticker scrolls through categories and items)**.** Knudson, while disclosing

displaying additional information about the items (column 16, lines 12-23), does not disclose

automatically displaying additional content as corresponds to the characterizing

descriptors for a given one of the discrete indicators as interacts in a predetermined way, at

least in part, with the segregated display area. However, in analogous art, Ahmad teaches

automatically displaying additional, related information based on the current position of a marker

in relation to a segment of a multi-segmented piece of audio-visual content (Figs. 2a and 2b,

column 3, lines 34-59, column 16, lines 53-54, column 18, lines 22-44, column 19, lines 2-4, and

column 23, lines 3-9). In other words, as the marker indicating the currently viewed segment

moves, in a predetermined way, across the segments of primary information, the secondary

information changes based on the position of the marker. Therefore, it would have been obvious

to one of ordinary skill in the art at the time of the invention to modify Knudson to include

automatically displaying the additional content corresponding to the characterizing descriptors

for a given discrete indicator. This would have produced predicable and desirable results, as the

user would be given access to additional information in a controlled manor, without being

overloaded with an excess of information all at once.

The combined teachings of Knudson and Ahmad does not disclose **providing a plurality of user-selectable characterizing descriptor filter criteria;** nor displaying the selectable items of data **as corresponds to a present selection of a characterizing descriptor filter criterion.** However, in analogous art, Reisman discloses that "One method that might be used to differentiate levels of service relates to the display of filtered and ranked program listings. Personalized EPG functions could, for instance, present only the programs expected to be desired by the user, perhaps in order of desirability, instead of a non-personalized, unfiltered mass of listings, whether organized in a grid, or in other listing structures, such as by genre or person (paragraph [0687])." Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have added this additional feature to the teachings of Knudson and Ahmad. This would have produced predictable and desirable results, as having filtered data would allow the user to see information that is more likely to be useful to the viewer, thus increasing the efficiency of the display.

When discussing filters, Reisman does not explicitly disclose all of the following, but in analogous art, McCoskey discloses **providing at least one smart filter for facilitating determination of a particular one of the discrete selectable items of data, the at least one smart filter providing step comprising providing an enhanced suggestion engine for making at least one recommendation based on at least one parameter selected from a group consisting essentially of a content nature uniqueness, a viewer identification, and a keyword** (paras. [0044]-[0045], Fig. 6, paras. [0064], [0081] and [0081]-[0089], Figs. 18a and 18b. McCoskey uses, among other things, a keyword to suggest programming to viewers.)**, the at least one smart filter providing step comprising providing each at least one smart filter**

being customizable for each at least one user (paras. [0081]-[0089]. A user can customize the search by changing search criteria.)**, wherein the step of providing the at least one smart filter comprises providing at least two user-selectable characterizing descriptor filters** (Figs. 13a and 13b, paras. [0085]-[0086]. The user can filter based on categories, actors, time, channel or content provider.)**, wherein the step of providing the at least two user-selectable characterizing descriptor filters comprises providing the descriptor filters in a relationship selected from a group consisting essentially of a shared common filter criteria set and a mutually exclusive filter criteria set** (Figs. 13a and 13b, paras. [0085]-[0090]. There are many different combinations that are mutually exclusive, such as category and actor, or time and channel.)**, and wherein the at least one smart filter simultaneously considers content across a plurality of media** (para. [0017])**, thereby providing a coordinated joint display comprising a plurality of integrated results, the plurality of integrated results comprising an aggregate pool of candidate viewing choices being reducible on a basis of filter selection criteria from at least one element selected from a group consisting essentially of a plurality of different sources and a plurality of different formats** (Fig. 18b, paras. [0063] and [0087])**.** Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Reisman's teaching of filters to include incorporating the enhanced suggestion techniques as taught by McCoskey into the method taught by Knudson and Ahmad, as this would have allowed users to further narrow their search for content, as well as expand their options in terms of from where said content was being received. This would have produced predictable and desirable results, in that it would allow the system to use the information available to provide a user with recommendations for discrete selectable items of data.

Regarding claim 10, **the method of claim 9** is rejected as stated above, and Knudson further discloses **wherein the plurality of discrete selectable items of data comprise a plurality of discrete selectable items of audio/visual content** (Figs. 3, 6, 7 and 13 all display items of audio/visual content).

Regarding claim 11, **the method of claim 10** is rejected as stated above, and Reisman further discloses **10 wherein the plurality of user-selectable characterizing descriptor filter criteria includes at least one of: recently viewed discrete selectable items of data; and recommended discrete selectable items of data** (Reisman, paragraph [0513], lines 8-11). This claim is rejected on the same grounds as claim 10, as the method of claim 10 is taught by the listed references, and the additional condition described in claim 11 is an obvious variant thereof, and is further taught by Reisman in the indicated sections.

Regarding claim 12, **the method of claim 9** is rejected as stated above, and Knudson discloses **further comprising: detecting user selection of a particular one of the plurality of discrete indicators** (column 7, line 61 – column 8, line 3). This claim is rejected on the same grounds as claim 9, as the method of claim 9 is taught by the listed references, and the additional condition described in claim 12 is an obvious variant thereof, and is further taught by Knudson in the indicated sections.

Regarding claim 13, **the method of claim 12** is rejected as stated above, and Knudson discloses **further comprising: sending a signal indicating user selection of the particular one of the plurality of discrete indicators** (column 7, line 61 – column 8, line 3). This claim is rejected on the same grounds as claim 12, as the method of claim 12 is taught by the listed

references, and the additional condition described in claim 13 is an obvious variant thereof, and

is further taught by Knudson in the indicated sections.

Regarding claim 14, **the method of claim 12** is rejected as stated above, and Knudson

discloses **further comprising: detecting a remote control device signal indicating the user**

selection of a particular one of the plurality of discrete indicators (column 7, line 61 –

column 8, line 3). This claim is rejected on the same grounds as claim 12, as the method of claim

12 is taught by the listed references, and the additional condition described in claim 14 is an

obvious variant thereof, and is further taught by Knudson in the indicated sections.

Response to Arguments

6.   Applicant's arguments filed February 9, 2010 have been fully considered but they are not

persuasive. Examiner disagrees with Applicant's assertion that McCoskey does not teach the

newly added limitations. The cited passages of McCoskey (Figs. 13a and 13b, paras. [0085]-

[0090]) in the rejection of at least claim 1 provide support for how McCoskey teaches **wherein**

the step of providing the at least one smart filter comprises providing at least two user-

selectable characterizing descriptor filters, wherein the step of providing the at least two

user-selectable characterizing descriptor filters comprises providing the descriptor filters

in a relationship selected from a group consisting essentially of a shared common filter

criteria set and a mutually exclusive filter criteria set. Therefore, Examiner maintains that the

combined teaching of Knudson, Ahmad and McCoskey disclose the methods and interactive

automatic data display systems of claims 1-8 and 15-20, and that the combined teaching of

Knudson, Ahmad, Reisman and McCoskey disclose the methods of claims 9-14.

Examination Considerations

7.   The claims and only the claims form the metes and bounds of the invention. "Office

personnel are to give the claims their broadest reasonable interpretation in light of the supporting

disclosure. *In re Morris,* 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997).

Limitations appearing in the specification but not recited in the claim are not read into the claim.

In re Prater, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-

8, c 2, l 45-48; p 2100-9, c 1, l 1-4). The Examiner has full latitude to interpret each claim in the

broadest reasonable sense. Examiner will reference prior art using terminology familiar to one

of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or

implicit in meaning.

8.   Examiner's Notes are provided with the cited references to prior art to assist the applicant

to better understand the nature of the prior art, application of such prior art and, as appropriate, to

further indicate other prior art that maybe applied in other office actions. Such comments are

entirely consistent with the intent and spirit of compact prosecution. However, and unless

otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary

skill in the art would find inherently appropriate.

9.   Unless otherwise annotated, Examiner's statements are to be interpreted in reference to

that of one of ordinary skill in the art. Statements made in reference to the condition of the

disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

10.   Examiner's Opinion: ¶¶ 7.-9. apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

11.   Claims 1-20 are rejected.

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571) 270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2426

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
April 10, 2010